

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE**

**BUNCOMBE COUNTY, NORTH** )  
**CAROLINA, individually and on behalf of** )  
**all those similarly situated,** )  
 )  
**Plaintiff,** )  
 )  
**v.** )  
 )  
**TEAM HEALTH HOLDINGS, INC.,** )  
**AMERITEAM SERVICES, LLC, and** )  
**HCFS HEALTH CARE FINANCIAL** )  
**SERVICES, LLC,** )  
 )  
**Respondents.** )

**Case No. 3:22-cv-00420-DCLC-DCP**

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**DEFENDANTS' MOTION TO STRIKE PLAINTIFF'S CLASS ALLEGATIONS FROM  
THE FIRST AMENDED COMPLAINT**

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Defendants TeamHealth Holdings, Inc., AmeriTeam Services, LLC, and Health Care Financial Services, LLC (collectively, "Defendants") move under Federal Rules of Civil Procedure 12(f), 23(c)(1)(A), and 23(d)(1)(D) to strike the class allegations from Plaintiff's First Amended Complaint.

This motion is accompanied by a supporting memorandum setting forth the factual and legal grounds for striking Plaintiff's class allegations, as required by Local Rule 7.1. This motion is also accompanied by an unopposed motion to exceed the 25-page limit otherwise applicable.

As fully set forth in Defendants' supporting memorandum, Plaintiff's proposed class contains incurable defects that render the class uncertifiable and unmaintainable under Rule 23. In short, maintaining Plaintiff's overbroad class will subvert the requirements of Rule 23 because proving Plaintiff's claim will not advance the litigation as to any other class member. Because

discovery cannot fix the problems in Plaintiff's suggested class—problems which stem not from an absence of proof but from liability theories that are fundamentally inconsistent with representative litigation—this Court can and should strike the class allegations at this stage of litigation.

Respectfully submitted,

**BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, P.C.**

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### **CERTIFICATE OF SERVICE**

I hereby certify under Rule 5 of the Federal Rules of Civil Procedure that a true and exact copy of the foregoing Motion to Strike Plaintiff's Class Allegations was served on the following counsel of record via operation of the Court's electronic filing system:

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Dated March 24, 2023.

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